

REMARKS

In the Office Action dated August 2, 2006, claims 1, 4-7, 39, 41, 42, 44, and 51 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,172,112 (Jennings); claims 3 and 52-55 were rejected under § 103 over Jennings in view of WO 01/63804 (Haase); claims 2, 10, 40, 45, 46, 49, and 67-69 were rejected under § 103 over Jennings in view of U.S. Patent No. 6,917,611 (Dorenbosch); claims 11, 16-22, 47, and 48 were rejected under § 103 over Jennings in view of Dorenbosch and U.S. Patent No. 6,192,980 (Tubel); and claims 14, 23, 24, 28, and 29 were rejected under § 103 over Jennings in view of Tubel.

Applicant acknowledges the allowance of claims 33, 56, and 58-66.

It is respectfully submitted that claim 1 is not anticipated by Jennings. Claim 1 recites a plurality of wireless network devices *in a wellbore*, where the plurality of wireless network devices in the wellbore are to communicate wirelessly using a protocol that defines short-range wireless communication. The Office Action cited units 15 and 19 in Figs. 2 and 3 of Jennings as disclosing the claimed subject matter. Stationary unit 15 of Jennings is “mounted to the exterior of wellhead housing 11,” where wellhead housing 11 “is a large tubular member mounted on the sea floor” Jennings, 2:7-9, 19-20. Unit 19 of Jennings is a movable unit, where movable unit 19 is mounted to an ROV (remote operated vehicle). Jennings, 2:29-33. Neither the stationary unit 15 nor movable unit 19 of Jennings constitutes a wireless network device in a wellbore, as recited in claim 1.

In view of the foregoing, claim 1 is not anticipated by Jennings.

Independent claims 39 and 51 are allowable for similar reasons.

Independent claim 2 was rejected as being obvious over Jennings and Dorenbosch. The Office Action conceded that Jennings does not disclose using a Bluetooth wireless communication protocol. 8/2/2006 Office Action at 4. However, the Office Action cited Dorenbosch as disclosing the subject matter missing from Jennings. *Id.*

It is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 2 for at least the reason that no motivation or suggestion existed to combine the teachings of Jennings and Dorenbosch. See M.P.E.P. § 2143 (8th ed., Rev. 5), at 2100-126. Note that Jennings relates to using optical communication at a wellhead. In contrast, Dorenbosch relates to a mobile communications network that has a mobile station with an

interface that can comprise a short-range wireless device including Bluetooth. It is respectfully submitted that no suggestion existed in the teachings of Dorenbosch to apply techniques for a mobile station in a mobile communications network to the wellhead environment disclosed by Jennings. The only basis for the combination of Jennings and Dorenbosch is impermissible hindsight that benefits from the teachings of the present invention. This is strictly prohibited. *See In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988) ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."); *In re Fritch*, 972 F.2d 1260, 1266, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992) (holding that it is impermissible to use the claimed invention as an instruction manual or template to piece together teachings of the prior art to render obvious the claimed invention).

There is no suggestion anywhere of any desirability to use Bluetooth in the wellhead context of Jennings. Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 2.

Independent claim 40 is allowable for similar reasons as claim 2.

Claims 52-55 have been cancelled, without prejudice, to render the rejection of the claims moot.

Dependent claims are allowable for at least the same reasons as corresponding independent claims. In view of the allowability of the base claims, it is respectfully submitted that the obviousness rejections of dependent claims have also been overcome.

Allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 20-1504 (SHL.0270US).

Respectfully submitted,

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